



PTO/SB/61 (05-03)

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#23 \$DRC

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

10546-010

First Named Inventor Anil N. Shetty, Ph.D Art Unit 3737

Application Number: 09/486,125 Examiner: Ruth S. Smith

Filed: June 12, 2000

Title: Data Inquisition for Magnetic Resonance Imaging  
Technique

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703) 305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.**

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

**1. Petition fee**

Small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.

Other than small entity – fee \$ 110.00 (37 CFR 1.17(l)).

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of  
Amendment (identify the type of reply):

has been filed previously on \_\_\_\_\_  
 is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

has been filed previously on \_\_\_\_\_  
 is enclosed herewith.

(Page 1 of 3)

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

08/01/2003 MAHMED1 00000009 09486125

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## PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

### 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity of \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

### 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

July 28, 2003  
Date

  
Signature

Reg. No.: 30,670

Steven L. Oberholtzer, Esq.  
Typed or printed name

Brinks Hofer Gilson & Lione  
Address  
P.O. Box 10395  
Chicago, IL 60610

Address

Enclosure  Fee Payment  
 Reply  
 Terminal Disclaimer Form  
 Additional sheets containing statements establishing unavoidable delay

### CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

July 28, 2003  
Date

  
Signature

Steven L. Oberholtzer, Esq.  
Typed or printed name of person signing certificate

(Page 2 of 3)

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

July 28, 2003  
Date



Signature

Reg. No.: 30,670  
Steven L. Oberholtzer, Esq.  
Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

An Office Action issued on November 13, 2002 was never received by our Chicago office docketing department. The undersigned first became aware of the outstanding Office Action during a telephone conversation on May 21, 2003 with Examiner Smith. At that time Examiner Smith indicated that the Office Action was mailed to our Chicago Office, P.O. Box 10395, Chicago, IL 60610, on November 13, 2002. Enclosed to verify that the Office Action was never received are copies of the docketing sheets relating to the prosecution history of this application. As indicated on the docketing sheets, the last date of entry, July 24, 2002, related to a prior Office Action that was issued on that same date. Subsequently, a Notice of Abandonment was issued on June 6, 2003 for Applicant's failure to timely file a proper reply, copy enclosed.

The undersigned respectfully requests that the enclosed response to the November 13, 2002 Office Action be considered and the Notice of Abandonment withdrawn.

*(Please attach additional sheets if additional space is needed.)*

(Page 3 of 3)

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OFFICE OF PETITIONS

# Patents

Docket Number	10546-10	Total Claims	0
First Filing	Jun 12 2000	SmallEntity	True
Date	conv	Ind.	0
CreateUser	Sep 7 2002	Claims\Designs	10546-10
CreateDate	epopoca	Reference Number	2000-06-12
UpdateUser	Mar 27 2003	Date Recorded	10873/483-485
UpdateDate	09/486, 125	Reel/Frame	
Application	Jun 12 2000	ValidationUser	epopoca
Number		ValidationDate	Mar 27 2003
Application Date			

## Actions

Action	Base Date	Action Due Date	Indicator	Completed Date	Notes	Postcard/Resp Sent Dt
Information Disclosure Statement	Jun 12 2000	Sep 12 2000	IDC - CPI Gen.	Jun 7 2000	IDS	
Pwr Of Atty Req.	Sep 28 2000	Nov 28 2000	Reminder	Apr 13 2001	US-ASSUMED FILE / FILE POA	2001-04-16
Amendment	Jul 24 2002	Oct 24 2002	Due Date	Oct 24 2002	US-ACTION 3 MONTH / AMENDMENT	2002-10-29
Amendment & 1 Mo Ext	Jul 24 2002	Nov 24 2002	Due Date	Oct 24 2002	US-ACTION 3 MONTH / AMENDMENT & 1 EXT.	2002-10-29
Amendment & 2 Mo Ext	Jul 24 2002	Dec 24 2002	Due Date	Oct 24 2002	US-ACTION 3 MONTH / AMENDMENT & 2 EXT.	2002-10-29
Amendment Due	Jul 24 2002	Jan 24 2003	Final	Oct 24 2002	US-ACTION 3 MONTH / AMENDMENT & 3 EXT. -FINAL	2002-10-29
US-RESPONSE FILED - FOLLOW UP	Oct 24 2003	Feb 24 2003	Due Date			
US-RESPONSE FILED - FOLLOW UP	Oct 24 2003	Mar 24 2003	Due Date			
RECORDED ASSIGNMENT	Jun 12 2000	Dec 12 2000	Reminder	Aug 16 2000	US-ASSIGNMENT FILED / RECORDED ASSIGNMENT	
Pwr Of Atty Req.	Sep 28 2000	Dec 28 2000	Reminder	Apr 13 2001	US-ASSUMED FILE / FILE POA	2001-04-16
Pwr Of Atty Req.	Sep 28 2000	Jan 28 2001	Reminder	Apr 13 2001	US-ASSUMED FILE / FILE POA	2001-04-16
Action Due	Jun 12 2000	Feb 12 2001	IDC - CPI Gen.	Feb 12 2000	FFL	
Pwr Of Atty Req.	Sep 28 2000	Feb 28 2001	Reminder	Apr 13 2001	US-ASSUMED FILE / FILE POA	2001-04-16

Pwr Of Atty Req.	Sep 28 2000	Mar 30 2001	Reminder	Apr 13 2001	US-ASSUMED FILE / FILE POA	2001-04-16
Pwr Of Atty Req.	Sep 28 2000	Apr 30 2001	Reminder	Apr 13 2001	US-ASSUMED FILE / FILE POA	2001-04-16
Foreign Filing Completed By	Jun 12 2000	Jun 12 2001	IDC - CPI Gen.	Jun 12 2001	FRN CONV	
Restriction	Jun 6 2001	Jul 6 2001	Due Date	Jul 6 2001	US-RESTRICTION/ELECTION REQ. / RESTRICT/ELECTION	2001-07-09
Restriction-1st Ext.	Jun 6 2001	Aug 6 2001	Due Date	Jul 6 2001	US-RESTRICTION/ELECTION REQ. / RESPONSE & 1 EXT.	2001-07-09
Office Action Received?	Jun 12 2000	Aug 12 2001	Reminder	Jun 6 2001	US-FILING DATE / FIRST PTO ACTION	
Restriction-2nd Ext.	Jun 6 2001	Sep 6 2001	Due Date	Jul 6 2001	US-RESTRICTION/ELECTION REQ. / RESPONSE & 2 EXT.	2001-07-09
Restriction-3rd Ext.	Jun 6 2001	Oct 6 2001	Due Date	Jul 6 2001	US-RESTRICTION/ELECTION REQ. / RESPONSE & 3 EXT.	2001-07-09
Pwr Of Atty Req.	Sep 28 2000	Oct 13 2001	Due Date	Aug 13 2001	US-ASSUMED FILE / POA FILED - AWAIT. ACCEPTANCE	2001-04-16
Restriction - 4th ext.	Jun 6 2001	Nov 6 2001	Due Date	Jul 6 2001	US-RESTRICTION/ELECTION REQ. / RESPONSE & 4 EXT.	2001-07-09
Follow Up	Jun 6 2001	Nov 6 2001	Due Date	Aug 13 2001	US-RESTRICTION/ELECTION REQ. / US-RESTRICTION/ Follow Up Date	2001-07-09
Amendment	Aug 13 2001	Nov 13 2001	Due Date	Nov 13 2001	US-ACTION 3 MONTH / AMENDMENT DRAWINGS	
Restriction Final Deadline	Jun 6 2001	Dec 6 2001	Final	Jul 6 2001	US-RESTRICTION/ELECTION REQ. / RESPONSE & 5 EXT. - FINAL	2001-07-09
Amendment & 1 Mo Ext	Aug 13 2001	Dec 13 2001	Due Date	Nov 13 2001	US-ACTION 3 MONTH / AMENDMENT & 1 EXT. DRAWINGS	
Amendment & 2 Mo Ext	Aug 13 2001	Jan 13 2002	Due Date	Nov 13 2001	US-ACTION 3 MONTH / AMENDMENT & 2 EXT. DRAWINGS	
Amendment Due	Aug 13 2001	Feb 13 2002	Final	Nov 13 2001	US-ACTION 3 MONTH / AMENDMENT & 3 EXT. -FINAL DRAWINGS	
Follow Up	Aug 13 2001	Mar 13 2002	Due Date	Mar 11 2002	US-ACTION 3 MONTH / RESPONSE FILED - FOLLOW UP DRAWINGS	
Final Rejection Deadline	Mar 4 2002	May 4 2002	Reminder	Jun 3 2002	US-FINAL REJECTION / FINAL AMENDMENT	
Notice of Allowance	Mar 4 2002	Jun 4 2002	Due Date	Jun 3 2002	US-FINAL REJECTION / NOTICE OF APPEAL	
Appeal Due 1st Ext	Mar 4 2002	Jul 4 2002	Due Date	Jun 3 2002	US-FINAL REJECTION / APPEAL & 1 EXT.	
Response Due	Jun 3 2002	Aug 3 2002	Reminder	Jul 30 2002	US-RCE FILED / PTO RESPONSE/ACTION	2002-06-10
Appeal Due 2nd Ext	Mar 4 2002	Aug 4 2002	Due Date	Jun 3 2002	US-FINAL REJECTION / APPEAL & 2 EXT.	
Appeal Due 3rd Ext	Mar 4 2002	Sep 4 2002	Final	Jun 3 2002	US-FINAL REJECTION / APPEAL & 3 EXT. -FINAL	

**Remarks**

Text	
ASSUMED 9/2000 BASED ON PCT/US98/07277 FILED 4/10/98 WHICH IS BASED ON PROVISIONAL APPLICATIONS SN: 60/043,896 FILED 4/11/97 & 60/043,899 FILED 4/11/97	

## Inventors

Inventor Name
BIS, KOSTAKI G.
SHETTY, ANIL N.

## Title

Text	
DATA ACQUISITION FOR MAGNETIC RESPONANCE IMAGING TECHNIQUE	

## Status Rpt

Type	Text
Description	ASSUMED 9/2000 BASED ON PCT/US98/07277 FILED 4/10/98 WHICH IS BASED ON PROVISIONAL APPLICATIONS SN: 60/043,896 FILED 4/11/97 & 60/043,899 FILED 4/11/97
Title	DATA ACQUISITION FOR MAGNETIC RESPONANCE IMAGING TECHNIQUE



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,125	06/12/2000	ANIL N. SHETTY	287300023POA	2994

7590 06/06/2003

STEVEN L. OBERHOLTZER  
BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610

EXAMINER

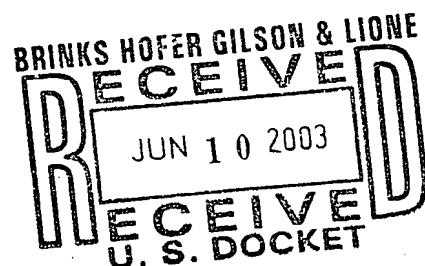
SMITH, RUTH S

ART UNIT PAPER NUMBER

3737

DATE MAILED: 06/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

HC

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,125	06/12/2000	ANIL N. SHETTY	287300023POA	2994

7590 11/13/2002

STEVEN L. OBERHOLTZER  
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P.O. BOX 10395  
CHICAGO, IL 60610

[REDACTED] EXAMINER

SMITH, RUTH S

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

3737

DATE MAILED: 11/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Abandonment**

<b>Application No.</b>	<b>Applicant(s)</b>	
09/486,125	SHETTY ET AL.	
<b>Examiner</b>	<b>Art Unit</b>	
Ruth S Smith	3737	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on 13 November 2002.
  - (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of. (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d)  No reply has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b)  No corrected drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:

Ruth S Smith  
Primary Examiner  
Art Unit: 3737

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

## Office Action Summary

Application No.	09/486,125	Applicant(s)	SHETTY ET AL. <i>Ch</i>
Examiner	Ruth S Smith	Art Unit	3737

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 29 October 2002.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 16-37 is/are pending in the application.

4a) Of the above claim(s) 16-18 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 19-37 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.      6) Other:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 20, 22-25, 29-31, 35-37 are rejected under 35 U.S.C. 103(a) as obvious over applicant's admission of the prior art. The claims are readable on the use of a conventional MRI system to perform two different scans on a patient except for entering all scan parameters before performing the scans and processing all of the collected data after all data has been collected. A conventional system involves the input of imaging parameters, the collection of data based upon the input and the processing of data. The time it takes to set up for a second scan would inherently provide the patient enough time to breathe and hold the breath again. It would have been obvious to one skilled in the art to have entered all scan parameters before performing the scans and to process all of the collected data after all data has been collected in order to expedite the scanning process and reduce the patient's time in the bore of the magnet. If all input parameters are entered before data collection begins and all data is collected before processing begins, the patient can spend less time in the bore of the magnet. Applicant fails to specifically set forth the delay time. In the absence of any showing of criticality or unexpected results the delay time selected would have been obvious selection based upon the time it takes to move the patient to a second scan position.

Claims 19, 20, 22-25, 29-31, 35-37 are rejected under 35 U.S.C. 103(a) as obvious over Hurd et al. Hurd et al disclose acquiring imaging data using a first set of parameters and then acquiring image data using a second set of parameters. After the scan is completed the image data acquired from each set of parameters is processed.

It would have been obvious to one skilled in the art to have entered all scan parameters before performing the scans in order to expedite the scanning process and reduce the patient's time in the bore of the magnet. Hurd et al fails to specifically set forth the delay time. In the absence of any showing of criticality or unexpected results the delay time selected would have been obvious selection based upon the time it takes to move the patient to a second scan position.

Claims 26-28,32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurd et al as applied to claims 24,30 above, and further in view of Riederer et al. Riederer et al disclose an MRI system which includes a stimulus for prompting a patient when they can breathe. The stimulus can be audible or visual. It would have been obvious to one skilled in the art to have modified Hurd et al such that it includes a means for indicating to a patient when they can breathe in order to allow the patient to have some form of indicator which shows how much longer they must stay still.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's own admission or Hurd et al alone as applied to claim 20 above or further in view of Matsutani. Applicant and Hurd et al each fails to specifically refer to the use of a drive device to move the patient. It is old and well known in the art to move a patient on an examination table in order to correctly position them for the next desired scan. Matsutani et al is merely one example of such. It would have been obvious to one skilled in the art to have modified the prior art system disclosed by Applicant or Hurd et al such that it includes a drive device to move the examination table for a second scan in order to correctly position the patient as is a well known expedient in the art.

#### ***Response to Arguments***

Applicant's arguments filed 10/29/02 have been fully considered but they are not persuasive. With respect to Hurd et al, the reference does not teach away from the modified process of processing data after all of the data has been collected. The reference teaches the conventional steps of collecting data and then processing the data for each image. It is the examiner's position that it would have been obvious to one

Art Unit: 3737

skilled in the art to have modified this conventional teaching such that all image parameters are inputted into the system before the patient is placed in the bore of the magnet and all collected data is processed after the patient has been removed from the magnet bore in order to greatly reduce time in the bore for the patient. The difficult part of the exam for the patient is time in the bore due to claustrophobia and therefore reduction of such time improves the process for the patient.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth S Smith whose telephone number is 308-3063. The examiner can normally be reached on M-F 5:30AM -2:00 PM.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 308-0758 for After Final communications.



Ruth S Smith  
Primary Examiner  
Art Unit 3737

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RSS  
November 12, 2002